IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1323 OF 2007

Saifuddin D. Lakdawala and ors. ...Petitioners

v/s

The M.M.R.D.A. and ors. ...Respondents

Mr O.K. Shaikh for Petitioners.

Ms Kiran Bhagalia for Respondent Nos.1 to 4.

Mr N. Shaikh for Respondent No.5.

Mr P.G. Sawant, A.G.P. for Respondent No.6.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 2ND AUGUST 2007.

P.C. :-

1. By consent of parties, petition is disposed of in following terms.

2. Within a period of two weeks from today, the petitioners shall submit to the respondent No.1 a representation against taking possession of their land and demolition of the structure. Alongwith the representation, the petitioners shall submit title deeds in relation to the land and sanctioned building plan in relation to the structure.

3. After receiving the representation of the petitioners, the respondent No.1 or any other competent Officer shall decide that representation in accordance with law. The learned counsel appearing for respondent No.1 has stated before us that in case the respondent No.1 or any other competent authority to whom the representation is sent for decision comes to the conclusion that the petitioners are owners of the land, the possession of the land will not be taken without following due process of law and if the competent authority comes to the conclusion that the structure is authorised, then no step for demolition of structure

will be taken without following due process of law. Till the representation is decided, the respondents shall not take possession of the land and the demolish the structure standing thereon. The respondents shall not do that also for a period of two weeks from the date of communication of decision to the petitioners in case the decision of the competent authority is that the petitioners are not owners of the land and the structure is not authorised. If the petitioners do not succeed in obtaining order from any competent authority or Court restraining the respondents from taking possession of the land within a period of two weeks from the date of communication by the respondents, the respondents shall be free to take possession of the land and demolish the structure.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.

(JUSTICE D.K. DESHMUKH)

(JUSTICE J.H. BHATIA)